IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32735 of 2007(V)

PETITIONER:

DR.T.V.PADMANABHAN, CIVIL SURGEON,
DISTRICT HOSPITAL, KASARAGOD AT KANHANGAD
P.O.BALLA, KASARAGOD DISTRICT. PIN 671531.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE
THIRUVANANTHAPURAM.

2. SECRETARY TO GOVERNMENT, DEPARTMENT OF
HEALTH AND FAMILY WELFARE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER (HEALTH)
KASARAGOD AT KANHANGAD, BALLA P.O.,
KASARAGOD DISTRICT. PIN-671531.

BY GOVERNMENT PLEADER SRI. RAVINDRANATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 32735/2007

Dated this the 5th day of November, 2007

JUDGMENT

The petitioner who is a Civil Surgeon (Pediatrician) working in District Hospital, Kasargod at Kanhangad is aggrieved by Ext.P13 order of suspension issued by the Government. A reading of Ext.P13 shows that suspension is, pending enquiry, on a complaint that the petitioner has, through a local T.V.Channel, publically maligned the officials working in the Health Department and District Panchayath accusing them of wrong doings etc. An additional Secretary in Health Department and Family Welfare Department is appointed as enquiry officer.

2. The learned counsel for the petitioner submits that if the enquiry is into an allegation that the petitioner has made a public speech, obviously it does not require the petitioner to be kept away from service, for an enquiry to be conducted therein. He submits, therefore, the suspension of the petitioner seems to be for other reasons.

3. Learned Special Government Pleader, on instructions, submits that the complaint was received alleging that the petitioner has made a public speech in which he maligned the officials of Health Department and District Panchayath. Taking note of the fact that the petitioner is a responsible Government servant, Government deemed it appropriate to conduct an enquiry into the allegations. In the circumstances, it would be appropriate to suspend the petitioner to facilitate the enquiry. Enquiry will be completed at the earliest. Submission made in this regard is recorded.

4. In my view it cannot be said that Ext.P13 initiated against the petitioner is illegal. Government is entitled to pass an order as per Rule 10(b) of the KCS (CC & A) Rules.

5. Learned counsel for the petitioner submits that the petitioner apprehends that he may not be dealt with fairly by the person appointed as enquiring authority. He

refers to Ext.P3, P7 and P8 to butress his contention. In my view it is open to the petitioner to seek change in the enquiring authority. If he makes such a request, same shall be considered and looked into appropriately and a decision be taken thereon before enquiry is proceeded with. Subject to this right, this writ petition is disposed of.

V.GIRI
Judge

mrcs